

Minutes
Solid Waste Management Board
Indiana Government Center North
Conference Room A – 1:30 p.m.
Indianapolis, Indiana
March 15, 2011

1. CALL TO ORDER

The meeting was called to order by Vice Chairperson Rick Dyar at 1:31 p.m. A quorum was present.

Vice Chairperson Dyar welcomed new board member, Mr. Mike Mettler, who is replacing Howard Cundiff (retired) as proxy for the State Department of Health. Vice Chairperson Dyar recognized Mr. Cundiff's years of service on the Board. He also introduced Mr. Dale Gick, who was substituting for Tom Hohman, as proxy for the Department of Natural Resources. He also recognized Mr. Dave Berrey, Technical Environmental Specialist, Office of Land Quality, for his 30+ years of service and he and the board wished him well in his upcoming retirement.

Members present: Rick Dyar, Marlin Chambers, Chuck Himes, Tom Barnett, Jim Murray, Ted Niemiec, M.D., Mike Mettler, Dale Gick, Pam Fisher, and Deborah Albright, Board Counsel.

Present for IDEM: Tom Easterly, Commissioner, IN Department of Environmental Management (IDEM), Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ), Ann Long, Office of Legal Counsel (OLC), Lynn West, OLC, Kiran Verma, OLC, and Dave Berrey, OLQ.

2. APPROVAL OF MINUTES

Vice Chairperson Dyar asked if there were any changes or corrections to the September 21, 2010, meeting of minutes. A motion was made and seconded to approve the meeting minutes. The board voted unanimously to approve the September 21, 2010, minutes without change.

3. REPORTS

Mr. Bruce Palin distributed an EPA Fact Sheet: Identification of Non-Hazardous Secondary Materials That Are Solid Wastes Final Rule. He stated that there had been several inquiries on this EPA final rule that is going into effect regarding burning of solid waste. This rule exempts from the definition of solid waste certain materials that are burned as a fuel. Mr. Palin stated that it was done in response to the Clean Air Act, and that the EPA modified the federal regulations under RCRA for Subtitle D. IDEM is working on a rule concerning waste as an alternative fuel rule.

Mr. Tom Barnett asked Mr. Palin about used oil burned as a fuel. Mr. Palin explained that used oil is not considered and would always be exempt as a hazardous waste. Mr. Palin responded that the EPA has a website with frequently asked questions.

Ms. Lynn West announced preliminary plans for a training/meeting to be held September 20, 2011, in Roselawn, Indiana, a tour of Fair Oaks Farms in the morning, and the Board meeting to be held at 1:30 p.m. in the Roselawn Public Library. Additional information will be forthcoming. Mr. Palin stated that the Fair Oaks Farms has a biodigester, and it would be relevant to IDEM's Biomass Digester Rule that is in the rulemaking process. Ms. West then distributed an updated Rules Project List and noted that currently no new rules have been added to the Solid Waste Management Board list.

4. RULE ACTIONS

LSA #09-365 Temporary Storage and Management of Spent Lead Acid Batteries

Vice Chairperson Dyar announced the public hearing to consider preliminary adoption of LSA #09-365, development of new rules and amendments to 329 IAC 3.1, Temporary Storage and

Management of Spent Lead Acid Batteries. He introduced Exhibit A, the draft rule, into the record. He then asked Ms. Kiran Verma, Rules Development Section, OLC, to present the rule.

Ms. Verma explained that the rule provides requirements for the management of temporarily stored spent lead acid batteries, including transportation and storage by retailers, wholesalers, manufacturers, storage facilities, and reclamation facilities, to prevent releases of contaminants into the environment. She discussed how IDEM added rule language regarding basic common-sense management requirements, definitions and management standards, notification requirement, clarification closure and corrective action requirements.

Mr. Chuck Himes asked for clarification of what the storage places are and if they were the ones reusing the batteries. Ms. Verma then deferred to Mr. Dave Berrey, Technical Environmental Specialist, Compliance and Response Branch, OLQ for a response. Mr. Berrey stated that for the staging it would be the smelters; also, that there are warehouses state-wide for storing the batteries enroute to the smelters. He also discussed the Universal Waste Requirement, and that IDEM regulates waste products. He said most facilities are storing correctly; the rule is for the ones that are not storing correctly.

Vice Chairman Dyar stated that no commenter cards were received and no commenters who wished to speak, so he therefore concluded the hearing. He then asked if there were any questions from the Board.

Mr. Chuck Himes asked if there had been previous interest or meetings between industry and IDEM. Mr. Palin replied that several discussions had taken place during rule development and changes were made based on these discussions. No hearing commenters demonstrated that industry concerns had been accommodated.

Vice Chairman Dyar asked for a motion to preliminarily adopt the proposed rule. Mr. Marlin Chambers made a motion to adopt the proposed rule and Mr. Tom Barnett seconded. With a roll call vote, the board voted unanimously to adopt the proposed rule.

5. OPEN FORUM

Mr. Tom Barnett asked Mr. Palin to provide information from his recent presentation at the public hearing of the Senate Environmental Committee. Mr. Palin said that he provided a history on solid waste over approximately the past 25 years and also discussed how solid waste districts evolved. The Environmental Quality Service Council study group (legislators, business representatives and the public) will be re-assessing function and financing of the solid waste management districts. He stated that Commissioner Easterly is interested in having similar recycling services available to all Indiana citizens.

6. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. EDT on Tuesday, May 17, 2011, at the Indiana Government Center South Conference Room A. Vice Chairperson Dyar adjourned the meeting at 2:00 p.m.

CHAIRPERSON

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. **To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4709.htm>.**